

ORDER BELOW EXH.50 IN REG. CIVIL SUIT NO. 86/2015.

The plaintiff has filed this application and prayed for direction to conduct DNA test of herself and defendant No.3. The defendants have filed their say at Exh.52 and strongly opposed this application contending that plaintiff has filed this application for the purpose of collection of evidence and with intention to prolong the matter.

2. Perused the application and say filed thereon. Heard both the side at length.

3. The plaintiff has contended that this suit is fixed for cross examination of the plaintiff. Defendants have denied in their written statement that plaintiff is cousin sister of defendant No. 1,3,4,6,7,8 and daughter of deceased Rama Khandu Shame. Defendants have denied their blood relationship with plaintiff. However, plaintiff is daughter of deceased Rama Khandu Shame, therefore, it is necessary to conduct the DNA test of plaintiff and defendant No. 3 to establish the genetic paternity.

4. This application opposed by the defendants as per earlier grounds. I have gone through the record. This suit is filed by the plaintiff for partition and separate possession in respect of the suit properties contending that she is daughter of deceased Rama Khandu Shame.

5. According to the plaintiff defendant No. 3 is her cousin brother. It means according to the plaintiff her father and father of

defendant No. 3 were brothers. From the contention of the plaintiff they are blood relative of second generation. DNA test is test for ascertain paternity of biological parents. In the present case father of plaintiff and father of defendant No. 3 not alive. In such situation the blood sample of father of both of them is not available. In such situation permission to the same cannot be granted.

6. Moreover, the permission to conduct DNA test cannot be granted in routine manner and in routine manner no one can be compelled to go through the said DNA test. The plaintiff has to establish her contention on the basis of her own evidence. Therefore, I am the view that the present application it without merit and deserves to be rejected. Hence, I proceed to pass the following order:-

ORDER

Application Ex.50 is hereby rejected.

Place : Loha
Date : 18/06/2022.

(S.L. Vaidya)
Jt. Civil Judge J.D.,
Loha. Dist. Nanded